

Proposed Coastal Barrier Strategy

REPORT

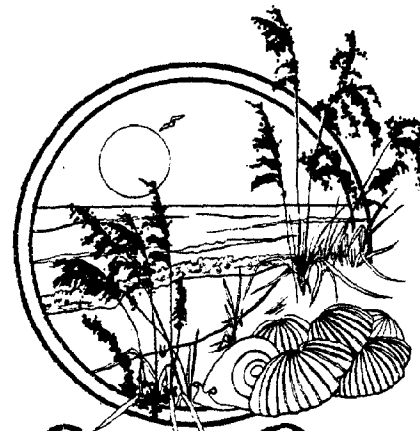
TO THE

GOVERNOR AND CABINET

FROM

The Interagency Management Committee

December 8, 1981



**Save Our
Coasts**

Department of Environmental Regulation
Victoria J. Tschinkel
Secretary and Chairman

Department of Commerce
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Governor's Office
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Interagency Management Committee

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EXECUTIVE SUMMARY, Proposed Coastal Barrier Strategy

The September 15, 1981 resolution of the Governor and Cabinet directed the IMC to develop recommendations for legislative action plus Departmental rule amendments and internal procedures implementing the Save Our Coasts strategy. This Save Our Coasts Coastal Barrier Strategy Report contains drafts of legislation, amendments to rules, and other administrative techniques which are recommended to attain the goals of the Save Our Coasts Program.

IMC recommendations for legislative action include:

- utilization of existing review and permitting processes to better protect stability of beach and dune systems, minimize erosion, and otherwise control inappropriate development in the coastal zone by:
 - strengthening the coastal construction control lines to protect important dunes and adjacent environmentally sensitive areas
 - considering location, design, and cumulative impact of development seaward of established coastal construction control lines
 - avoiding the impairment of public beach access on state-owned lands
 - authorizing the adoption of minimum criteria for state approval of local government plans regulating development in the coastal zone
 - regulating development activities on specific coastal barriers to assure that buildings are constructed so as to withstand storm hazards
 - regulating development activities on specific coastal barriers to assure compatibility with the natural functions of such barriers, and capacity of the state and local government to provide public services and emergency assistance
- limiting state post-disaster relief expenditures to measures which would decrease vulnerability to future disasters;
- allow local government to use the proceeds from a tourist tax, should they decide to levy one, for the acquisition of beach front property, or access to beach front property; and
- easing a regulatory burden on beach renourishment

Administrative techniques recommended include:

- amendment of the state sovereignty lands management rule so that state-owned submerged lands are not used to provide public road access to islands where such access did not previously exist;
- enhance water quality in fragile coastal areas by strengthening state requirements for on-site sewage disposal and suggesting minimum criteria for individual water and sewage systems for voluntary adoption by local ordinance or for incorporation into criteria for DVCA's review of Local Government Comprehensive Plans;
- DOT's "action plan" to assure that transportation projects are in conformance with Executive Order 81-105 and the DOT/DER MOU;
- DOT/DER/EOG MOU to limit the provision of sewer lines, and availability of wastewater grants to undeveloped barrier islands;
- DOC agreement to assure that industrial development in coastal barrier or high hazard areas is in conformance with Save Our Coasts strategies;
- OPB memorandum requesting that all agency budget requests, A-95, EIS, and Public Works Projects be evaluated for impacts on coastal barrier areas and conformance with Executive Order 81-105; and
- a study by DNR to scientifically establish a coastal preservation line, seaward of which no structure or activity other than shore preservation would be permitted.

SAVE OUR COASTS

Proposed Coastal Barriers Strategy

Introduction

The September 15, 1981 resolution of the Governor and Cabinet directed the Interagency Management Committee (IMC) to develop new programs and procedures for improved coordination of existing programs, to include fiscal incentives where appropriate, to ensure enhanced protection of coastal barriers. The IMC was requested to consider but not limit itself to the following:

- a. Immediate and long-range goals and objectives for the preservation and enhancement of coastal barriers;
- b. analysis of the effectiveness of existing permitting review procedures in meeting coastal barrier preservation goals;
- c. analysis of the effectiveness, adequacy, and appropriateness for utilizing existing legislation to meet coastal barrier preservation goals. The analysis should include, but not be limited to, consideration of the potential utilization and possible modification of the provisions for:
 - 1) Development of Regional Impact and Areas of Critical State Concern, as authorized by Chapter 380, F.S.;
 - 2) Comprehensive Planning by Local Governments, as required in Chapter 163, F.S.;
 - 3) Acquisition, preservation, and regulation of coastal barriers, as authorized in Chapter 161, 253, and 375, F.S.

On November 3, 1981, the IMC presented the Governor and Cabinet with a report outlining several proposed changes in existing programs, including changes in current legislation and suggestions for new

programs. The recommendations were prepared under the auspices of the September 15th Resolution. Governor Graham and the Cabinet asked Victoria Tschinkel, Chairman of the IMC, to develop the recommendations and present them at its December 8th meeting. This report contains the IMC recommendations for legislative action in the upcoming 1982 session plus Departmental rule amendments and internal procedures implementing the Save Our Coasts strategy. These proposals are designed to complement the \$200 million revenue bond program for the acquisition of beaches. The Save Our Coasts strategy is a broad, interrelated program intended to ensure enhanced preservation and protection of coastal barrier systems in their various developmental stages. The package must be evaluated comprehensively in light of the overall goals of the Save Our Coasts initiative.

For general guidance to the agencies, the following recommendations were developed with "coastal barriers" defined as follows:

The term "coastal barrier" encompasses a variety of geomorphic features including islands, peninsulas, spits, (which generally are long and narrow, natural bodies of land usually oriented parallel to the mainland shoreline), or high-energy mainland sand beaches. Coastal barriers experience high-energy waves, winds, and tides; and ocean actions, including flooding, are the prominent factors that shape and regulate these areas resulting in a dynamic and

constantly changing topography.

It is recognized that coastal barriers provide vital protection for fragile coastal resources and are the first line of defense for the mainland from wind and wave activity occurring, principally, from storm and hurricane impact.

A brief description of each statute and its recommended amendments follow. The legislative text is found in Appendix A, Attachments 1-8 and includes a synopsis of the amended statute, followed by the statute itself. Suggested amendments to rules, new programs, and implementation of existing Memorandum of Understanding (MOU's) necessary to the SOC program, but not requiring legislative action, are briefly described and found in Appendix B.

Chapter 125, F.S. (Appendix A, Attachment 1)

The IMC proposes that Chapter 125.0104, F.S., be amended to allow the acquisition of coastal barrier property by a local government, using monies derived from the "tourist tax". As it presently stands, the "tourist" or "resort" tax, an optional one or two cent sales tax approved by a local government, can be used to acquire and operate convention centers, sports stadiums, auditoriums, and similar facilities. It can also be used to promote tourism and to fund convention and tourist bureaus. The amendment would allow an additional use of the money--acquisition of beaches, and beach accessways.

Chapter 161, F.S. (Appendix A, Attachments 2 & 3)

Chapter 161 authorizes the establishment of coastal construction control lines on a county by county basis for the sandy beaches fronting the Atlantic and Gulf. Control lines regulate the construction of structures seaward of the line to protect the stability of the beach-dune system and minimize beach erosion.

Four amendments to the existing statute are recommended to:

- (1) Expand the geographic scope of the statute by including sand dunes and environmentally sensitive areas adjacent to the beaches and sand dunes and allowing a line to be drawn landward of the 100-year storm surge line to protect the sensitive areas (to be described either by rule or statute);
- (2) Allow design features, siting or location, and cumulative effects to be considered in the coastal construction permit review process;
- (3) Provide statutory reinforcement to DNR policy to consider beach access as part of the permit review process;
- (4) Define an "authorized beach restoration project" and amend Chapter 253, F.S., to encourage the placement on beaches of sand material dredged as part of inlet or navigation channel maintenance projects.

In addition, the IMC recommends that the DNR conduct a major study to scientifically establish a "coastal preservation line" seaward of existing coastal construction control lines in which activities, other than shore protection would be prohibited. When the scientific background material is obtained, legislative action to establish the lines will be required.

Chapter 253, F.S. (Appendix A, Attachment 3)

Amendment to Chapter 253 allows for materials dredged from state sovereign submerged lands to be deposited for beach nourishment purposes on privately or publicly owned lands. The material must be of a quality suitable for beach nourishment and can only be used for "authorized beach restoration projects" as defined in an amendment to Chapter 161.

Chapter 163, F.S. (Appendix A, Attachments 4)

The Local Government Comprehensive Planning Act (LGCPA), if strengthened, could help achieve the goals of the "Save Our Coasts" program.

Each plan sets the policies that form the basis for decisions by local governments. A coastal protection element is required of all 159 cities and 35 counties located on the coast.

To meet the directives of the "Save Our Coasts" program, the IMC recommends amending Chapter 163 to give DVCA statutory authority to adopt rules related to approval of the coastal protection element of the LGCPA. Minimum criteria can then be developed at the state level, thereby assuring compliance with the local coastal protection element of the LGCPA, and compliance among coastal municipalities and counties.

The IMC also recommends increasing the funds provided to the Local Government Comprehensive Planning Act Trust Fund, to be directed specifically for improved coastal protection planning, and for the development of ordinances and regulations to implement the coastal protection elements.

Chapter 252, F.S. (Appendix A, Attachment 5 & 6)

Chapter 252 is the state's hazard mitigation statute. Hazard mitigation is designed to reduce the loss of life and property and to control increasing fiscal liability from increased maintenance requirements and periodic severe damage. The process is a significant component of the "Save Our Coasts" program.

It offers opportunity to reduce expense of post disaster rebuilding and prevent redevelopment in hazard areas. Amendments recommended to improve existing coastal protection policies are:

- (1) Modify Section 252.44, F.S., to limit the use of disaster recovery funding so that state funds would be used to decrease vulnerability to future disasters (such as implementation of hazard mitigation measures, adoption of an approved coastal protection element pursuant to Section 163.77, F.S., or relocation; and (2) Seek limited eminent domain authority and modify existing land acquisition programs to acquire and protect coastal barrier property which has been significantly destroyed by hurricane or storm damage.

In addition, the IMC should be designated as the State Hazard Mitigation Committee as proposed in the state's Peacetime Emergency Plan.

Chapter 380, F.S. (Appendix A, Attachment 7)

The Development of Regional Impact (DRI) process can be particularly important to the state's barrier islands, many of which are currently experiencing significant development pressure. The IMC recommends that Chapter 380 be amended to assure that development of coastal

barriers is compatible with the natural functions of such barriers and does not exceed the capacity of state and local government to provide public service and emergency assistance. To accomplish these purposes, a coastal barrier review process which parallels the DRI process is recommended. The IMC suggests quantitative thresholds of two dwelling units or developments of one acre for relatively undeveloped barriers, and fifty dwelling units or developments of five acres for partially developed barriers. Developed coastal barriers are reviewed for regional impact by the established DRI process and thresholds.

Budget Considerations (Appendix A, Attachment 8)

Implementation of some of the aforesaid proposals will require the following funding or budget actions:

- (1) For DNR: The Coastal Preservation Line Study recommended in amendment to Chapter 161, F.S. will require approximately \$180,870 from the Erosion Control Trust Fund. This figure may vary depending upon the factors selected for further analysis.
- (2) For DVCA: A \$1,000,000 grant in aid to local governments for implementing the coastal element of the LGCPA.
- (3) For DVCA: To implement the hazard mitigation actions in the amendments to Chapter 252, the IMC supports the establishment of a \$10 million per year Emergency Public Assistance Trust Fund from the working capital trust fund. If said money is not needed for disaster relief, up to \$3 million per year of the remainder may be set aside and accumulated in a Disaster Acquisition Trust Fund up to

\$20,000,000. This money would be used to purchase substantially destroyed property either through existing land acquisition programs or the exercise of limited, post-disaster eminent domain, as proposed in the amendment to 252.44(5).

The following rule amendments and programs are recommended by the IMC. Rule amendment requires the approval of the Governor and Cabinet, rather than legislative action. The text of these rules are set out in Appendix B.

State Sovereignty Land Management Rule (Appendix B, Attachment 1)

Providing access to a previously inaccessible, undeveloped land area such as a barrier island can contribute to a significant increase in development permits on that land. Protecting a coastal barrier, not only for its beaches and open space, but also for its wildlife and hazard mitigation benefits, is one of the goals of the "Save Our Coasts" program. The IMC recommends that the state sovereignty lands management rule be amended so that state-owned submerged lands are not used, sold, leased, or transferred to provide road access to islands that would otherwise remain inaccessible.

Individual Water and Sewage Systems (Appendix B, Attachment 2)

Section 381.272, Florida Statutes and Chapter 10D-6, Florida Administrative Code, regulate individual onsite sewage disposal system installation and use. At this time Chapter 10D-6 is under-

going extensive revision. The primary intent of the changes is to strengthen criteria for site approval. If the statewide minimum rules are successfully amended, improved installation, function, and operation of individual onsite systems in coastal areas can be expected. However, because specific local conditions associated with coastal barriers areas cannot be adequately addressed in state law or a minimum state code, the Department of Health and Rehabilitative Services has drafted recommendations for voluntary adoption by local ordinance or for incorporation into criteria for review of local government comprehensive plans by relevant state agencies. These recommendations direct minimum setbacks of sewage systems from surface waters and private water supply wells, strengthen soil and ground water table elevation criteria, and address recommended development densities and suggested means of sewage disposal.

Department of Transportation "Action Plan" (Appendix B, Attachment 3) Executive Order Number 81-105, signed by Governor Graham on September 4, 1981, directs the use of state funds for coastal barrier projects only in those coastal areas which can accomodate growth, where there is a need for economic development, or where potential danger to human life and property from natural hazards is minimal. Such funds are not to be used to subsidize growth or postdisaster redevelopment in hazardous coastal barrier areas. The Department of Transportation (DOT) is clearly affected by this action because development normally follows the construction or widening of a bridge or highway.

A Memorandum of Understanding (MOU) between the Office of the Governor, the Department of Environmental Regulation and DOT complements the Governor's Executive Order. DOT is not to approve road or bridge projects involving the expenditure of public funds to provide new access to undeveloped barrier islands unless an overwhelming public interest can be shown. Also, DOT is to provide DER with information on the planning, designing and construction of facilities that would directly affect the coastal zone. This will help evaluate activities so that they can be consistent to the maximum extent practicable with the state's coastal zone management plan.

In this report, DOT presents the methodology to be employed in meeting the requirements of the Executive Order and the MOU. This is presented in the form of an "action plan" and will guide DOT, DNR, DER, DVCA and other agencies in the priority consideration and evaluation of projects affecting and located on coastal barriers.

Department of Environmental Regulation (Appendix B, Attachment 4)

The DOT/EOG/DER MOU applies to placement of sewer lines on undeveloped barrier islands. Wastewater management rule 17-6, recently adopted by the Environmental Regulatory Commission as well as the priority criteria (point system) for wastewater grants, dictate that undeveloped barrier islands be given low priority in wastewater grant allocations. Both the rule, the criteria, and the MOU complement the goals of the "Save Our Coasts" program.

Department of Commerce (Appendix B, Attachment 5)

The Department of Commerce with the responsibility for attracting and promoting industrial development to Florida will formulate internal procedures to ensure that industrial development in coastal barrier or high hazard areas is in conformance with the Save Our Coasts strategies.

Governor's Office of Planning and Budgeting (OPB) (Appendix B, Attachment 6)

The OPB has broad responsibilities for the development, analysis and review of state policies, programs and budgets. Relating these responsibilities to the implementation of the Save Our Coasts strategies including the Governor's Executive Order 81-105, the Director of OPB by memorandum to all his Policy Unit Coordinators has requested that:

- 1) All state agency budget requests and amendments be scrutinized for any effects on development in coastal barrier areas.
- 2) A-95, Environmental Impact Statement, and Public Works Projects are to be evaluated for any impacts on coastal barrier areas.
- 3) State agencies will be requested to cooperate in this review process and assure OPB that their requests comply with the Governor's Executive Order 81-105.

APPENDIX A

APPENDIX A
Attachment I

Be It Enacted by The Legislature of the State of Florida:

Section 1. Subparagraph 4. is added to paragraph (a) of Subsection (4) of Section 125.0104, Florida Statutes, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.--

(5) AUTHORIZED USES OF REVENUE

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax shall be used by that county for the following purposes only:

4. To acquire the fee or other interest in coastal beach lands or beach accessways, either by itself or as a part of a state or federal acquisition program.

Section 2. This act shall take effect July 1, 1982.

RECOMMENDATIONS PURSUANT TO CHAPTER 161 IN
RESPONSE TO THE "SAVE OUR COAST" RESOLUTION

- *The following recommended changes to Subsection 161.053(1) further define the areas to be protected, allow for a control line to be established landward of the impact zone of the 100-year storm in cases where additional environmental protection is warranted, and recognize "siting" or location as a subsequent permit consideration.*

161.053 Coastal Construction and Excavation Regulation on County Basis.-

(1) The Legislature finds and declares that the state's beaches, of the state sand dunes and environmentally sensitive areas adjacent to such beaches and sand dunes, by their nature, are subject to frequent and severe fluctuations and represent one of Florida's most valuable natural resources and that it is in the public interest to preserve and protect them from imprudent construction which can jeopardize the their stability of-the-beach-dune-system, accelerate erosion, provide inadequate protection to upland structures, and endanger adjacent properties and-the-beach-dune-system. In furtherance of these findings, it is the intent of the Legislature to provide that the Department, acting through-the-Division, shall establish coastal construction control lines on a county basis along the sand beaches of the state fronting on the Atlantic Ocean and or the Gulf of Mexico. Such lines shall be established so as to define that portion of the beach dune system which is subject to severe-fluctuation impact based upon a 100-year storm surge, storm waves and other predictable weather conditions. and-so-as-to-define the-area-within-which-special-structural-design-consideration-is required-to-insure-protection-of-the-beach-dune-system, any-proposed structures, and-adjacent-properties, rather-than-to-define-a-seaward-

~~limit-for-upland-structures.~~ However, the Department may establish a segment or segments of a coastal construction control line further landward than the impact zone of a 100-year storm when it is considered to be in the public interest to protect environmentally-sensitive areas adjacent to the beach-dune system. Seaward of established coastal construction control lines, special siting and design considerations shall be necessary to insure the protection of the beach-dune system and adjacent environmentally-sensitive areas, proposed and existing structures, and adjacent properties.

- *The following recommended changes to Subsection 161.053(4)(a)(b)(c) address additional features to be considered in the permit review process. They include design features, siting or location, and of major importance, cumulative effects. (4)(b)(c) are deleted except for the language pertaining to local government setback and zoning requirements. (4)(b) has wrongly implied that if a proposed structure is in line with existing structures a permit will be automatically issued. It serves no useful purpose and is misleading. (4)(c) suggests that pipelines and piers are treated differently than other structures during the permit review process. This is not the case.*

(a) The department may authorize an excavation or erection of a structure at any riparian coastal location as described in subsection (1) upon receipt of an application from a riparian property owner and upon the consideration of facts and circumstances, including adequate engineering data concerning shoreline stability and storm tides related to shoreline topography, the design features of the proposed activities or structures, and the impacts of the siting of such construction including the potential cumulative effects of proposed and future

activities on the beach, sand dunes, or adjacent environmentally-sensitive areas, which, in the opinion of the department, clearly justify such a permit.

(b) ~~if-in-the-immediate-contiguous-or-adjacent-area-a-number-of existing-structures-have-established-a-reasonably-continuous-and uniform-construction-line-closer-to-the-line-of-mean-high-water-than-the foregoing,-and-if-said-existing-structures-have-not-been-unduly-affected by-erosion,-a-proposed-structure-may-be-permitted-along-such-line-on written-authorization-from-the-department-if-such-proposed-structure is-also-approved-by-the-department,--However,~~ The department shall not contravene setback requirements or zoning or building codes established by a county or municipality which are equal to, or more strict than, those requirements provided herein.

(c) ~~The-department-may-authorize-the-construction-of-pipelines-or piers-extending-outward-from-the-shoreline,-unless-it-determines-that the-construction-of-such-projects-would-cause-erosion-of-the-beach in-the-area-of-such-structures-~~

- *To further the intent of Chapter 161, the staff has suggested the establishment of a coastal preservation line seaward of existing coastal construction control lines. Such a line would define that area of the beach system which is subject to frequent (vs the 100-year storm) fluctuations. No structure or activity other than for shore-protection would be permitted in this coastal preservation zone. Further, shore-protection structures would be permitted only when determined to be in the (public interest). Unlike the 100-year storm surge used in coastal construction control line establishment, no single scientific basis exists for the establishment of coastal preservation lines. This is because of*

the great variation in shoreline topography and existing conditions in different areas of the state. In a given county or area, a combination of the following criteria may provide a basis for establishment of coastal preservation lines:

- High frequency storms (20 to 25-year)*
- Historical vegetation lines*
- Elevation (tides)*
- Arbitrary setbacks (50-100 feet)*
- Long-term effects of the sea level rise*
- Line of existing structures or activities*

The "unknowns" at this point in time are great. To insure a scientifically sound and legal defensible basis for preservation lines will require a major study effort - - not unlike the effort made 10 years ago when the control line was only a concept.

The staff is recommending to the Committee that consideration be given to supporting a statement of intent and a budget item for the research requisite to a statutory amendment of Chapter 161.

Required funding, dependant upon the availability of expert consultants, internal staffing, and needed computer time, could be as high as \$200,000. This activity may be funded through the Erosion Control Trust Fund, pursuant to 161.091(1)(i)(m).

- *Section 161.041 pertains to only those activities on sovereignty lands. This section does not specifically provide for beach access as a consideration during the permit review process. In fact, the entire Statute is silent on the issue. Although recognizing the primary focus on beach protection, the Executive Director and staff have tried to maximize access through permit requirements and conditions, considered as reasonable. This amendment will reinforce existing policy.*

161.041 Permits required. - If any person, firm, corporation, permit must be obtained from the Department of Natural Resources prior to commencement of such work. Such activities for shore protection purposes shall not, except on a temporary basis, further obstruct or impair the use of the beach by the public in the area seaward of mean high water, except as determined by the department to be unavoidable for the protection of beach system or upland structures. Application for coastal construction permits as defined above shall be made to the department Division-of-Marine-Resources upon such terms and conditions as set by rule the-department.

A bill to be entitled

An act relating to beach nourishment; amending s. 161.141, Florida Statutes; eliminating requirements for fixing and determining certain boundary lines; adding subsection (4) to s. 161.151, Florida Statutes, defining "authorized beach restoration project"; amending s. 253.03(10)(a), Florida Statutes, 1980 Supplement, and ss. 253.12(5)(b) and 253.123(2)(c), Florida Statutes, to provide for the utilization of sand dredged from navigation channels for beach nourishment on public and private upland properties and in contiguous offshore waters; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 161.141, Florida Statutes, is amended to read:

161.141 Declaration of public policy.--

(1) Beach erosion being a serious menace to the economy and general welfare of the people of this state and having advanced to emergency proportions, it is hereby declared to be in the public interest that appropriate steps be taken to enhance and protect Florida's beaches from erosion, and that the Legislature make provision for publicly-financed beach nourishment and restoration and erosion-control projects and by establish establishing and clarify clarifying the property rights of the state and private upland owners arising from or created by such projects. The Legislature hereby declares that it is the public policy of the state to cause to be fixed and determined, pursuant to beach ~~nourishment and restoration~~ and

erosion-control projects, the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean, the Gulf of Mexico, and the bays, lagoons, and other tidal reaches thereof, and the upland properties adjacent thereto, except that, such boundary lines shall not be fixed for beach nourishment projects resulting from inlet or navigation channel maintenance dredging projects unless such projects involve the construction or maintenance of an authorized beach restoration project; however, prior to construction of such beach nourishment project, the local sponsor shall establish the line of mean high water for the area to be nourished, and any additions to the upland property seaward of the established line of mean high water resulting from the nourishment project shall not be used to justify increased density as may be in effect for such upland property. It is further declared that there is no intention on the part of the state to extend its claims to lands not already held by it or to deprive any upland or submerged land owner of the legitimate and constitutional use and enjoyment of his property. If a requested and authorized beach nourishment and restoration and erosion control project cannot reasonably be accomplished without the taking of private property, then such taking shall be made by the requesting authority by eminent domain proceedings.

Section 2. Subsection (4) is added to section 161.151, Florida Statutes, to read:

161.151 Definitions.--As used in ss. 161.141-161.211:

(4) "Authorized beach restoration project" means a beach project authorized by the United States Congress or the department which involves a specific project engineering design and a project maintenance program for a period of not less than 10 years.

Section 3. Paragraph (a) of subsection (10) of section 253.03, Florida Statutes, 1980 Supplement, is amended to read:

253.03 Board of trustees to administer state lands; land enumerated.--

(10) The Board of Trustees of the Internal Improvement Trust Fund and the State of Florida through any of its agencies are hereby prohibited from levying any charge, by whatever name known, or attaching any lien, on any and all materials dredged from state-sovereignty tidal lands or submerged bottom lands or on the lands constituting the spoil areas on which such dredged materials are placed, except as otherwise provided for in this subsection, when such materials are dredged by or on behalf of the United States or the local sponsors of active federal navigation projects in the pursuance of the improvement, construction, maintenance, and operation of such projects or by a public body authorized to operate a public port facility (all such parties referred to herein shall hereafter be called "public body") in pursuance of the improvement, construction, maintenance, and operation of such facility, including any public transfer and terminal facilities, which actions are hereby declared to be for a public purpose. "Local Sponsor" shall mean the local agency designated pursuant to an Act of Congress to assume a portion of the navigation project costs and duties. Active federal navigation projects are those congressionally approved projects which are being performed by the Corps of Engineers, United States Army, or maintained by the local sponsors.

(a) Except for beach nourishment seaward of existing lines of vegetation on privately owned uplands fronting on the waters of the Atlantic Ocean or Gulf of Mexico, and authorized pursuant to the provisions of Part I of

chapter 161, no materials dredged from state-sovereignty tidal or submerged bottom lands by a public body shall be deposited on private lands until:

1. The United States Army Corps of Engineers or the local sponsor shall first have certified that no public lands are available within a reasonable distance of the dredging site; and .

2. The public body shall have published notice of its intention to utilize certain private lands for the deposit of materials in a newspaper published and having general circulation in the appropriate county at least three times within a 60-day period prior to the date of the scheduled deposit of any such material, and therein advised the general public of the opportunity to bid on the purchase of such materials for deposit on the purchaser's designated site, provided any such deposit shall be at no increased cost to the public body. Such notice shall state the terms, location, and conditions for receipt of bids and shall state that the public body shall accept the highest responsible bid. All bids shall be submitted to the Trustees of the Internal Improvement Trust Fund. All moneys obtained from such purchases of materials shall be remitted forthwith to the Trustees of the Internal Improvement Trust Fund. Compliance with this subsection shall vest, without any obligation, full title to the said materials in the owner of the land where deposited.

Section 4. Paragraph (b) of subsection (5) of section 253.12, Florida Statutes, is amended to read:

253.12 Title to tidal lands vested in state.--

(5)

(b) Neither this subsection nor any other provision of this chapter shall be construed to permit any state agency or

county, city, or other political subdivision to construct islands or extend or add to existing lands or islands bordering on or being in the navigable waters as defined herein or drain such waters for a municipal, county, state or other public purpose unless such agency is the riparian upland owner or holds the consent in writing of the riparian upland owner consenting to such construction or extension or drainage operation. For the purposes of this subsection, "riparian upland owners" shall be defined as those persons owning upland property abutting those portions of the waters to be filled or drained, which are within 1,000 feet outboard of said riparian upland, but not more than one-half the distance to the opposite upland, if any, and within the extensions of the side boundary lines thereof, when said side boundary lines are extended in the direction of the channel along an alignment which would be required to distribute equitably the submerged land between the upland and the channel. However, nothing herein shall be construed to deny or limit any state agency or county, city, or other political subdivision from exercising the right of eminent domain to the extent and for the purposes authorized by law in connection with such construction, extension, or drainage projects; and nothing herein shall be construed to have application in those instances when the board is authorized by law to establish an erosion control line to implement an authorized beach nourishment, replenishment, ~~or erosion control~~ restoration project, or for the placement of sand dredged from navigation channels on beaches fronting the waters of the Atlantic Ocean or the Gulf of Mexico, provided that such sand shall not be placed landward of existing lines of vegetation.

Section 5. Paragraph (c) of subsection (2) of section 253.123, Florida Statutes, is amended to read:

253.123 Restrictions on filling land and dredging.--

(2) The removal of sand, rock or earth from the navigable waters of the state as defined in s. 253.12 and the submerged bottoms thereof by dredging, pumping, digging, or any other means shall not be permitted except in the following instances:

(c) For the operation of sand transfer plants and the placement of sand dredged from navigation channels on beaches fronting on the waters of the Atlantic Ocean or the Gulf of Mexico, provided that such sand shall not be placed landward of existing general lines of vegetation; and

Section 6. This act shall take effect October 1, 1982.

HOUSE SUMMARY

Amends provisions of law relating to beach and shore preservation and state lands to:

(1) Provide that boundary lines between the sovereignty lands of the state bordering on certain bodies of water and the upland properties adjacent thereto need not be fixed for beach nourishment projects resulting from inlet or navigation channel maintenance dredging projects unless the projects involve the construction of an authorized beach restoration project, and to provide certain requirements with respect thereto.

(2) Define "authorized beach restoration project" as a U.S. Congress-approved or Department of Natural Resources-approved project involving a specific project engineering design and a project maintenance program for a period of not less 10 years.

(3) Provide for utilization of sand dredged from navigation channels for beach nourishment on public and private upland properties and in contiguous offshore waters at no cost to public or private interests, under certain conditions.

SUMMARY TO 163

As part of a local government comprehensive plan, a coastal zone protection element is required of all jurisdictions with coastal barriers. Requires the state land planning agency to adopt minimum criteria for approving coastal zone protection elements so consistency and quality among elements is insured.

RECOMMENDED CHANGES TO CHAPTER 163
(LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT)
IN RESPONSE TO THE INTERAGENCY MANAGEMENT
COMMITTEE REPORT ON "SAVE OUR COASTS"

163.3177(6)(g) For those units of local government lying in part or in whole in the coastal zone as defined by the Coastal Zone Management Act of 1972, Title 16, United States Code s. 1453(a), a coastal zone protection element, appropriately related to the particular requirements of paragraphs (d) and (e), including surveys of existing vegetation types which need to be preserved for natural control of dune and beach erosion and surveys of traditional patterns of public access and use of beach resources, setting out the policies for:

1. Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.
2. Continued existence of optimum populations of all species of wildlife.
3. The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
4. Avoidance of irreversible and irretrievable commitments of coastal zone resources.
5. Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development.
6. Proposed management and regulatory techniques.

The state land planning agency as authorized by s. 163.3184(2) and Chapter 120, shall adopt minimum criteria for approving coastal zone protection elements. Criteria for approval shall relate to building construction standards, restrictions on development activities, identification of areas which are vulnerable to natural disasters and where redevelopment should be limited in the event of destruction, and identification of other techniques to reduce destruction of coastal zone

resources by natural or man-made causes. In addition, at least 60 days before the adoption by a governing body of the coastal zone protection element, the governing body shall transmit a copy of the proposed element to the Department of Environmental Regulation or its successor for written comment pursuant to s. 163.3184.

163.3184

(2) Within 60 days, or any longer period to which the governing body has agreed, after a local government has transmitted a proposed comprehensive plan or element or portion thereof to the state land planning agency, the state land planning agency shall submit in writing its comments on the proposed comprehensive plan or element or portion thereof, together with the comments of any state agencies to which the state land planning agency may have referred the plan. The state land planning agency shall specify any objections and may make recommendations for modifications. The review of the state land planning agency shall be primarily in the context of the relationship and effect, under chapter 23, of the locally submitted plan or element or portion thereof to or on the comprehensive plan or element or portion thereof, and in the context of the impact of the locally submitted plan or element or portion thereof on the lawful responsibility of state agencies. Review shall also be on the basis of criteria adopted by the State Land Planning Agency as rules pursuant to Chapter 120. Such criteria shall specify as a minimum how consistency among elements is to be insured.

(3) The procedure of subsection (2) shall apply to review by the regional planning agency. The time sequence of subsections (2) and (3) shall run concurrently upon appropriate transmittal. Review by the regional planning agency shall be primarily in the context of the relationship and effect of the locally submitted plan or element or portion thereof to or on any regional comprehensive plan and such review shall be in accordance with criteria established by rule pursuant to Chapter 120, F.S.

Appendix A, Attachment 5

SUMMARY TO 252.44(4)

Requires the Governor in a post-disaster situation to take efforts to ensure that state money used in the recovery process is used in a manner that reduces future vulnerability to the effects of the hazard causing the disaster on coastal barriers.

D R A F T

Revisions to Chapter 252 to implement Governor Graham's Save Our Coast Program

252.44

- (4) In the event the Governor declares a state of emergency or disaster to exist as a result of a natural hazard, on a coastal barrier, as defined in _____, or in the event the President declares portions of the state a major disaster area, the Governor shall take efforts to ensure that the state money needed to recover from the emergency or disaster is used in a manner that reduces future vulnerability to the effects of the hazard causing the emergency or disaster. To achieve this goal, the Governor may require as a condition to applicants receiving state disaster recovery funding, the implementation of hazard reduction measures, the relocation of public facilities to areas outside historically high hazard coastal barriers, and the adoption of an approved Coastal Zone Protection Element pursuant to Section 163.3177, F.S. Relocation will be considered when property is damaged or destroyed to the extent that its future vulnerability does not warrant public investment in its repair. The conditions required shall not preclude the immediate use of state resources necessary to perform emergency work such as debris removal, emergency measures to save lives or to protect the health and safety of the public, or to protect critical facilities including, but not limited to hospitals, jails, police and fire stations, sensitive data or hazardous materials storage centers, and utilities.

SUMMARY TO 252.44(5)

Allows in a post-disaster situation where other means of hazard mitigation are either inappropriate or impractical, the use of eminent domain for public acquisition of real properties that are identified as being highly vulnerable to future disaster.

D R A F T

Revisions to Chapter 252 to implement Governor Graham's Save Our Coast Program

252.44

- (5) Disaster prevention may include the post-disaster identification of real property appropriate for public acquisition by eminent domain or other purchase. The Interagency Management Committee established by the Governor and Cabinet or similiar successor inter-agency body shall, with the assistance of the governing body of the local jursidiction in which the property is located, identify property where structures have been substantially destroyed, where future vulnerability to disasters is likely and where other means of limiting future loss of life and property are either inappropriate or impractical. The Interagency Management Committee shall refer a recommendation for acquisition to the Committee established in Section 259.035, F.S., to the Division of Recreation and Parks pursuant to Section 258.021, F.S., to a County Beach and Shore Preservation authority established pursuant to Section 161.25, F.S. or to any other appropriate state or local public agency with authority to acquire property. In addition to any other funds provided by law, acquisition funds may be made available by the Governor from the Emergency Public Assistance Trust Fund created by Section 252.37.

Appendix A, Attachment 7

SUMMARY TO 380.13

Provides a procedure for review of development on coastal barriers so as to ensure that future development will be compatible with the natural functions of such barriers and does not exceed the capacity of state and local government to provide public services and emergency assistance.

PROPOSED COASTAL BARRIER DEVELOPMENT LEGISLATION

380.13(1) Purpose

(a) It is the legislative intent to preserve and protect the coastal barriers of this state which constitute a valuable and unique natural resource of the state and serve vital natural and ecological functions that are threatened by the activities and interference of man. Coastal barriers form the first line of defense for the mainland against both winter storms and hurricanes. The protection also encourages the development of low-energy tidal wetlands and marshes. Coastal barriers also create estuaries. The semi-enclosed lagoons behind the islands permit mixing of salt and fresh waters and create estuarine conditions. Coastal barriers provide unique habitat for birds, wildlife and plant life and protect waters that are vital to the food chain and to species of fish and marine life. Development activity on coastal barriers leads to demands for public services and expenditures by local and state government for roads, potable water, sewage treatment, bridge construction, beach preservation, fire and police protection, and for disaster assistance when storms and hurricanes strike the barriers. In order to protect the health, safety and quality of life of the citizens of this state and to protect the natural resources and environment of this state as provided in S.7, Art. II of the State Constitution, it is necessary to limit and to plan for and manage development of coastal barriers so as to insure that any future development of coastal barriers will be compatible with the natural functions of such barriers, and does not exceed the capacity of such barriers to accommodate development and the capacity of local and state government to provide public services and emergency assistance.

Coastal Barrier Draft page 2

In order to accomplish these purposes, it is necessary that the state establish a coastal barrier development review process and standards to guide local decisions relating to growth and development of coastal barriers.

(b) It is also the intent of the legislature that in order to preserve the natural functions of undeveloped coastal barriers, to limit the demand for construction of bridges, roads and public services, and to limit the amount of development and population on coastal barriers so that injury and destruction resulting from storms and hurricanes will be minimized, and to ensure that any future development of pristine undeveloped coastal barriers is well planned, that future development proposed for a presently undeveloped coastal barrier be more closely reviewed and regulated than proposed development on coastal barriers that have already experienced alterations by man and the impacts of development.

380.13(2)(a) For the purpose of this section, coastal barriers shall mean peninsulas, spits, and islands which are entirely or partially within an area three miles seaward of the mainland coastline of the State of Florida. These coastal barriers typically experience high energy waves, winds and tides and are more vulnerable to storm and hurricane damage than the mainland areas protected by such coastal barriers.

380.13(2)(b)

1. Category A coastal barriers includes all major undeveloped coastal barriers, the uncontrolled development of which would threaten their natural function and integrity, and shall consist of the following:

[List will be provided later]

2. Category B coastal barriers includes all major coastal barriers which are partially developed or are experiencing growth pressure which would threaten their natural function and integrity, and shall consist of the following:

[List will be provided later]

3. The Florida Land and Water Adjudicatory Commission may, by adoption of emergency rules, designate any other coastal barrier as a Category A or B coastal barrier upon the recommendation of the state land planning agency if the Commission finds that it is in the public interest to:

- A. manage the development or reconstruction on a coastal barrier following a major storm, flood or disaster;
- B. respond to growth and development pressure by requiring conformity with the standards of this act.

380.13(3) Proposed coastal barrier development that shall be subject to the requirements of this section prior to any construction or development activity, as defined in Section 380.04, includes the following:

- (a) In Category A coastal barriers two or more dwelling units, or the subdivision of land, including submerged land, or airspace into two or more lots, parcels or interests for sale as site for future development of dwelling units. The term "dwelling unit" shall mean each area, room or structure designed to provide living space or accommodation for one or more persons and shall include but not be limited to single-family residences, apartments, condominiums, hotels, motels, campgrounds, mobile home parks, recreational vehicle parks and marinas.

Any other type or combination or types of development on a site, including any submerged lands or the water above submerged lands, which is part of a common plan of development for one acre or more, whether or not there is one owner or developer of such site.

- (b) In Category B coastal barriers, fifty (50) dwelling units or the subdivision of land including submerged land, or airspace into 50 or more lots, parcels or interests for sale as sites for future development of dwelling units. Any other type of construction on a site that is five acres or more in size and any structure that is 40 feet or more in height.

380.13(4)

- (a) Any owner or developer proposing coastal barrier development as specified in Subsection (3) of this section shall submit a coastal barrier application for development approval with the appropriate local government having jurisdiction over the development site, with the appropriate regional planning agency and with the state land planning agency.
- (b) The application for development approval of coastal barrier development shall be reviewed by the regional planning agency and a development order issued by the appropriate local government utilizing the same procedures and time limits specified for developments of regional impact in Section 380.06(7) et seq. However, the regional planning agency's report and recommendations shall emphasize the factors specified in Section 380.06(11)(a) in regard to the impacts and effects of the proposed development upon the coastal barrier and its functions rather than the region.

380.13(5) In addition to criteria specified in Section 380.06 (11)(a) the regional planning agency, in its report and recommendations, and local government, in its development order, shall address the following criteria and standards for coastal barrier development:

- (a) Buildings shall be constructed so as to withstand the anticipated wind velocity of the 100 year storm event and so that living and working areas are at or above the 100 year flood level.

(b) Development activity or construction shall not be permitted that would:

1. alter the primary or secondary dune systems, including associated vegetation;
2. allow septic tanks on lots smaller than one acre;
3. lower the level of service on public roads and bridges at build out of the development below level of service D during peak hours and below level of service C at any other time;
4. a. eliminate or interfere with the functions of any mangroves or fringe wetlands on the development site except for isolated interior wetlands which may be used for storm water retention areas;

380.13(5) continued

- b. remove or destroy any threatened or endangered species on the site;
- c. introduce or further the spread of exotic species;
- 5. be located in areas overwashed by the 25 year storm event;
- 6. cover or remove native vegetation from more than 40% of the site;
- 7. permit vehicular traffic on dunes or beaches;
- 8. require or result in the use of potable water for the watering of lawns, golf courses or vegetation;
- 9. result in the distance between points of public access to beaches being separated by more than 2,000 feet.
- 10. not allow the safe evacuation of persons from the barrier within the 12 hour hurricane warning period.

380.13(6)

- (a) Nothing in this section shall limit or modify the rights of any person to complete development that has been authorized by local government's issuance of a development of regional impact development order pursuant to Section 380.06 or issuance of a building permit, or to complete a development plan formally approved by local government which is in excess of

380.13(6) continued

fifty percent constructed as of the effective date of this act.

380.13(7) Development orders issued by local government pursuant to this section in regard to coastal barrier development shall be appealable to the Florida Land and Water Adjudicatory Commission in accordance with the provisions of Section 380.07.

380.13(8)

(a) If any developer is in doubt as to whether proposed coastal barrier development is subject to the provisions of this Section or whether he has a vested right to continue and complete any development begun prior to the effective date of this act, he may request a binding letter of interpretation from the state land planning agency which shall be issued in accordance with the procedures specified in Section 380.06(4).

(b) If a proposed change to a coastal barrier development concerning which rights had previously vested pursuant to this Section:

1. is required as a permit condition or requirement imposed by any state or federal regulatory agency, or would result in reduced adverse impact to the island and its natural functions, and would not violate the standards specified in Subsection 380.13(5), the change shall not divest rights to complete the development.

380.13(9) The state land planning agency may adopt rules to implement the provisions of this Section and shall by rule adopt a uniform schedule of fees to be charged by regional planning agencies for the review and report to local government concerning proposed coastal barrier developments.

Appendix A, Attachment 8

Chapter 161, Coastal Preservation Line
a rough estimate sets funding need at \$187,870 to be allocated
as follows:

Coastal Engineering Expert Consultants.....	\$45,000
Half-time Principle Investigator.....	\$27,500
Computer Support Services (11,000 hrs @ \$60/hr)...	\$66,000
Computer Support Position.....	\$15,370
Computer Analyst.....	\$27,000

The computer services required may vary depending upon the
factors selected for analysis.

STATE OF FLORIDA		EXHIBIT D-1A		DETAIL EXPLANATION OF	
DEPARTMENT: VETERAN & COMMUNITY AFFAIRS		PROGRAM COMMITMENT NUMBER AND TITLE:		To Continue Current Programs	
DIVISION: Local Resource Management		05.05.02 Local Planning and Development Assistance		For Improved Programs	
BUREAU: Local Government Assistance		NFC:		For New Programs	
FRC:					

Issue Number: Coastal Comprehensive Planning Assistance Program

The coastal area is one of Florida's most valuable economic and environmental resources. The protection of this area is vital to the continued viability of the state's tourist and seafood industries. Efforts have been made to coordinate development in the coastal zone through a state coastal management plan and regional coastal policy plans. However, these efforts can have only limited success because responsibility for planning and management of land development is vested almost exclusively at the local government level.

The Local Government Comprehensive Planning Act of 1975 requires cities and counties in the coastal zone to include a coastal zone protection element in their comprehensive plan. However, the review of local plans indicates that most local governments lack the technical expertise and resources that are needed to adequately plan for protection of the coastal area. Consequently, the Interagency Management Task Force has recommended that \$1,000,000 be appropriated in the 1982-83 budget to establish a grant program for cities and counties in the coastal zone.

The Coastal Comprehensive Planning Assistance Program will provide grants to local governments in the coastal zone for the development, implementation and evaluation/appraisal of the coastal zone protection elements and related elements of local comprehensive plans.

The Interagency Management Task Force also recommended that the Local Government Comprehensive Planning Act be amended to: (a) give the State Land Planning Agency (DVCA) the authority to adopt minimum criteria for approving coastal protection elements; (b) improve the Act's consistency requirements for counties that must develop a coastal protection element; and (c) give the state authority to ensure that coastal protection elements are consistent within each county.

During FY 1982-83, one Senior Planner and one Associate Planner position will be needed to administer the grant program, develop minimum criteria for coastal protection elements and provide technical assistance to coastal communities. These positions will also be required in FY 1983-84 to review local coastal protection elements for compliance with state established criteria, to monitor consistency of coastal protection elements within coastal counties, and to administer grant closeout activities.

Class Code	Position Title	F.T.E.	Rate	Retirement	Social Security	Health & Life Insurance	Lapse	TOTAL
0595	Senior Planner	1.0	\$22,212	\$2,423	\$1,488	\$539	-\$533	\$26,129
0594	Associate Planner	1.0	\$17,328	\$1,890	\$1,161	\$530	-\$418	\$20,491

Appropriation Category:	FY 1982-83				FY 1983-84			
	FTE	General Revenue	TF	Total	FTE	General Revenue	TF	Total
SALARIES AND BENEFITS:	\$46,620			\$46,620		\$46,620		\$46,620
OTHER PERSONAL SERVICES:	\$ 9,554			\$ 9,554		\$ 9,554		\$ 9,554
EXPENSES:	\$941,798			\$941,798				
AID TO LOCAL GOVERNMENT:	\$ 2,028			\$ 2,028		\$ 2,028		\$ 2,028
OPERATING CAPITAL OUTLAY:								
LAND SURV:								
SPECIAL CATEGORIES:								
OTHER:								
TOTAL:	\$1,000,000			\$1,000,000		\$58,202		\$58,202

APPENDIX B

Appendix B, Attachment 1

The current State Sovereignty Land Management Rule is found in the Florida Administrative Code, Section 16 Q-17. The suggested amendment is as follows:

The use of sovereignty submerged lands for the purpose of providing road access to islands where such access does not previously exist is prohibited, unless the board finds:

- 1) Construction and use of road access is the least damaging alternative and
- 2) Use of state lands for this purpose is in the public interest.

Appendix B, Attachment 2

Draft of Suggestion to be Presented for Incorporation in Local Ordinances or Comprehensive Development Plans Regarding Onsite Sewage Disposal Systems

Section 381.272, Florida Statutes, and Chapter 10D-6, Florida Administrative Code, are the State law and administrative rules pertaining to individual onsite sewage disposal system installation and use. State law and minimum statewide individual onsite sewage disposal system rules, must of necessity, be relatively general. Therefore, in order to provide adequate safeguards for protection of the public's health in specific local or regional situations, local ordinances or development plans which strengthen State requirements are essential.

The following suggestions and guidelines concern individual onsite sewage disposal system location, installation, operation and maintenance in Florida's coastal areas and, in particular, coastal barrier environments.

Definitions

1. "Effective soil depth" - the depth of satisfactory soil material lying above a non-pervious layer, such as heavy clays, hardpans, or bedrock. Satisfactory soils do not impede the movement of air, water and/or the growth of plant roots.
2. "Environmentally sensitive area" - to be defined by the Department of Natural Resources.
3. "Flooding" - a temporary covering of soil surface by water from any source, such as streams overflowing their banks, runoff from adjacent or surrounding slopes, inflow from high tides, or combinations of these. U.S. Soil Conservation Service soils maps can be used to determine areas subject to frequent flooding.
4. "Ground water table" - refers to the seasonal, temporary, or permanent saturation of soil in an area proposed for the use of an individual onsite sewage disposal system. Actual observation of water saturation levels and evaluation of physical evidence, such as soil color and soil mottling, are used to determine maximum expected water table elevations.
5. "Individual onsite sewage disposal system" - means any sewage treatment and disposal facility including standard septic tank and subsurface soil absorption systems, or alternative and experimental systems which are proposed for installation and use on individual lots.

6. "Shallow potable water supply well" - any water supply well, intended for use as a potable water supply, which obtains water from an underground stratum which is saturated with water exposed to atmospheric pressure. The ground water table for such wells rises and falls according to the amount of rainfall in the area, the rate at which water is drawn from or added to it, the barometric pressure, and other conditions.

(1) Soil

Much of Florida's coastal environment has soil conditions which are rated as having severe or moderately severe limitations for the use of standard septic tank and soil absorption systems. To provide for adequate absorption, filtration, oxidation and retention of sewage effluent in the soil, so as to eliminate, or reduce to a harmless level, bacteria, viruses and chemical contaminants, a minimum depth of satisfactory soil is necessary.

Recommendations

(a) The minimum effective soil depth throughout the soil absorption facility installation site should be at least seventy-two (72) inches.

(b) Where soils of rapid permeability (a percolation rate of less than two minutes per inch) exist, and where the ground water elevation is expected to be less than forty-eight (48) inches below the bottom infiltrative surface of the soil absorption drainfield facility, a minimum of twenty-four (24) inches of the rapidly percolating soil which will lie directly beneath the proposed drainfield system should be replaced with a finer textured, less permeable soil layer.

(2) Ground Water Table

A naturally saturated soil has only limited capacity for absorbing the added hydraulic load supplied by an individual onsite waste disposal system. Consequently, a system installed in a high ground water table area may fail due to lack of soil absorption capability. In addition, a saturated soil is a poorly aerated soil. Lack of oxygen in the soil can lead to a rapid buildup of an impervious organic mat in the drainfield and result in failure of the system. Also, an unsaturated soil, as opposed to a saturated soil, is better able to physically entrap sewage particulate matter. Entrapment and retention of particulate matter in voids and pores is thought to be responsible for much of the treatment provided by soil.

Recommendations

(a) The water table elevation at the wettest season of the

year, or in conjunction with a normal high tide, should be at least thirty-six (36) inches below the bottom infiltrative surface of a soil absorption facility.

(b) Individual onsite sewage disposal systems should not be utilized where the general installation area is subject to frequent flooding or innundation.

(3) Potable water supply and Surface Water Quality

The availability of an adequate and safe supply of potable water is a fundamental need. It is also critical in coastal areas, where surface waters are a source of food and recreation, to protect the public from direct or indirect contact with pathogenic organisms or other contaminants associated with human sewage. The fate of biological organisms and chemical nutrients, as a result of passage of sewage effluent through soils, is an extremely complex and not readily predictable phenomenon. However, it has been consistently demonstrated that as sewage travels through a soil, the number and/or concentration of all types of contaminants is reduced due to dilution, dispersion, soil absorption, chemical reaction, microbiological activity, root uptake, and other natural processes.

Recommendations

(a) Development in areas that do not have an adequate and safe potable water supply source should be prohibited.

(b) Where possible, potable water should be supplied via a municipal or other approved public water supply system.

(c) Where individual water supply wells are the only source of potable water, a deep water source is highly recommended. Where a deep well is utilized a minimum horizontal setback from all sewage pollution sources must be at least seventy-five (75) feet. For shallow wells, the minimum horizontal setback from all sewage sources should be at least one hundred (100) feet. However, where the volume of domestic sewage discharge within 100 feet of the well is anticipated to be greater than 5000 gallons per day, where the water withdrawal from a shallow well is expected to be great, or where soil is extremely porous or fractured, the minimum shallow well setback requirement should be increased.

(d) Minimum setbacks from coastal waters for various types of onsite sewage disposal systems should be:

1. For conventional septic tank and drainfield - 100 feet
2. For mound type drainfield systems - 150 feet
3. Package aerobic treatment plants - 200 feet

If proposed development is contiguous to environmentally sensitive areas, or other areas where water quality is critical for public health protection, increased setbacks may be warranted based

on such factors as an evaluation of hydrogeological character of the area and anticipated wasteloads.

(4) Residential Subdivisions

Use of individual onsite waste disposal systems for small lot size residential developments can result in disposal of wastewater in close proximity to occupied premises. Depending on site characteristics, the size of individual systems may require use of most of the remaining available open area of a lot which is not utilized by the residence. When one or more onsite systems fail usually a number of families are affected by the subsequent creation of sanitary nuisance conditions. Also, high density use of onsite systems in coastal areas, with poor soil and water table conditions, can result in oversaturation of soil and the potential long distance travel of inadequately treated sewage.

Recommendations

(a) Where high density development is proposed in areas contiguous to critical areas of protection, public sewage disposal facilities are recommended.

(b) If public sewers are not available or feasible, the use of cluster systems should be required. Cluster systems can be designed in various ways. However, in a typical system, liquid from several septic tanks flows to one pumping tank. The pump then forces liquid through a piping system to a treatment and disposal system. The treatment and disposal system, which may be a large soil absorption system, should be located in a suitable area distantly removed from critical areas.

(c) Where cluster systems are utilized, a legally binding operation and maintenance agreement must be formalized and approved by all concerned parties (i.e., property owners, developer, local government, and the holder of an operational/maintenance franchise).

MEMORANDUM

State of Florida Department of Transportation

DATE November 19, 1981

TO Division Directors, State Transportation Engineer, District Engineers
FROM Paul N. Pappas, Acting Secretary
COPIES TO Engineer of Structures Maintenance, Administrators of Program
Development, Transportation Priorities, MPO Liaison, and Chief,
Bureau of Environment
SUBJECT Transportation Projects and Coastal Barriers

Background

Florida's coast, its barrier islands, beaches and adjacent lowlying areas, attract visitors and development. At the same time, these coastal areas remain vulnerable to storms which present a threat to human life and property. The coast is part of a fragile and dynamic system, subject to constant alteration by waves, tides, and winds.

It is the stated policy of the State of Florida to protect and manage Florida's extensive, fragile coastal resources to enhance recreational, economic and natural resource values for both present and future Floridians.

Governor Graham has proposed a major initiative within the state's coastal protection policy that is primarily designed to enhance that policy. The Governor's "Save Our Coasts" plan focuses on preserving the use and enjoyment of Florida's beaches for the people.

The Department is clearly affected by this plan.

Discussion

In January 1981 a Memorandum of Understanding was signed by the Office of the Governor, and the Departments of Environmental Regulation (FDER) and Transportation (FDOT), stating:

- a. Road or bridge projects involving the expenditure of public funds (Federal and State) to provide new access to undeveloped barrier islands will not be approved by the Department of Transportation unless an overwhelming public interest can be demonstrated;
- b. For those new or substantially improved roadways and bridges to be considered designated in coastal high hazard zones (V-zones), the design standards should be consistent with the intent of the Federal DOT Final Rule on Location and Hydraulic Design of Encroachments on Flood Plains (Federal Register, Vol. 44, No. 228, November 26, 1979); and
- c. FDOT will provide notice to FDER of intent to conduct activities, including the necessary steps during planning

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District Engineers
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and design phases that would directly affect coastal areas, so as to provide FDER, at the earliest planning stages, an opportunity to evaluate activities as to their consistency to the maximum extent practicable with the state coastal management program.

This MOU was implemented within the Department and reemphasized in Secretary Varn's memorandum of September 3, 1981 in which he stated he would fully review each project involving bridges to coastal or barrier islands.

On September 4, 1981 the Governor signed Executive Order 81-105 directing the Secretary of Transportation to take the following actions:

Encourage, in cooperation with local governments, appropriate growth management so that population and property in coastal barrier areas are consistent with evacuation capabilities.

Direct the use of State and Federal funds for coastal barrier projects only:

- in those coastal areas which can accommodate growth
- where there is a need and desire for economic development
- or where potential danger to human life and property is minimal (for transportation projects this means funds should be used where inadequate evacuation capabilities exist to serve existing population or a present facility is not structurally sound).

Such funds are not to be used to subsidize growth or post disaster redevelopment in hazardous coastal barrier areas.

The term coastal barrier as used above is defined as encompassing "...a variety of geomorphic features including islands, mainland beach areas, peninsulas, spits, and sandy keys. Coastal barrier systems may be characterized by sandy beaches, marshy wetlands, and mangrove areas. Coastal barriers typically experience high energy waves, winds, and tides and are vulnerable to storm and hurricane damage. Both oceanic and storm action continually alter their size and topography through erosion and accretion."

Thus in developing the work program priorities and subsequently the projects from the work program, it is necessary to move forward only with projects that meet the criteria in the MOU and Executive Order 81-105 for the coastal barrier areas defined above.

The decision to replace structurally inadequate facilities or to not propose bridges to undeveloped barrier islands will be relatively straight

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forward. However, a decision involving functional improvements based on projected conditions will be difficult and will require study on an individual case basis. The Department's environmental staff must assist as required in applying the coastal barrier definition to the proposed project areas.

Other State agencies and the Governor's Office will be able to review the Department's proposed projects through the A-95 process in project development. Additionally, almost all projects in the coastal zone require environmental permits.

Action

The Engineer of Structures and Facilities Maintenance will ensure the guidelines for reviewing the bridge replacement program contains adequate considerations of proposed coastal barrier projects.

The Administrator of MPO Liaison will ensure that long-range transportation planning for each urbanized area is consistent with the state's coastal protection policy.

The Administrator of Program Development will ensure that the work program instructions contain adequate considerations of proposed coastal barrier projects.

The Administrator of Transportation Priorities will ensure projects involving coastal barriers are identified on deficiency maps, planned project maps and considered in work program amendments.

District Engineers will apply the criteria to all projects involving coastal barriers and eliminate from the work program those which do not meet the criteria of the Governor's Executive Order or the Memorandum of Understanding.

The Chief of the Bureau of Environment will ensure all projects involving coastal barriers receive proper A-95 review by DER, DVCA, DNR and other cognizant agencies, and that comments from these agencies are properly considered.

PNP/knb

1 17-6.05(2)(e) In areas with high water tables, the pump station
2 shall be designed to include measures to withstand flotation
3 forces when empty. The potential for damage or interruption of
4 operation because of flooding shall be considered by the per-
5 mittee when siting new pumping stations at inland or coastal
6 locations. The electrical and mechanical equipment shall be
7 protected from physical damage by the 100-year flood. The
8 pumping station shall be designed to remain fully operational
9 and accessible during the 25-year flood; lesser flood levels
10 may be designed for, dependent on local conditions, but in no
11 case shall less than a 10-year flood be used. Design considera-
12 tions (water surface elevation, forces arising from water move-
13 ment, etc.) shall be addressed in the engineering report and
14 shall be based upon available information; where site-specific
15 information is unavailable, sound engineering practices shall
16 be used in siting and design of pump station facilities.

Appendix B, Attachment 5

The Department of Commerce strongly supports the Governor's Save Our Coasts initiative for economic as well as environmental reasons. Our surveys indicate that 42 percent of the more than 35 million tourists who visited Florida in 1980 specified Florida's beaches as among the features they liked the most.

The Department's major efforts are devoted to increasing the number and quality of job opportunities for Floridians, broadening the State's economic base and promoting continued growth in the number of tourist visits to Florida. Department involvement in development on coastal barriers, as defined in the Save Our Coasts program, is extremely rare.

The Department of Commerce is not a regulatory agency. There is no apparent need to modify the legislation affecting agency programs in the interest of the Save Our Coasts initiative. Nevertheless, as a matter of policy, the Department of Commerce fully intends to comply with Governor Graham's Executive Order concerning Save Our Coasts.

In those instances in which coastal barrier sites are being actively considered by industrial prospects assisted by the Department of Commerce, the Department will continue to consult with IMC member agencies to resolve any conflict with the intent of the Save Our Coasts program. Development representatives and other members of our agency who work directly with industrial prospects will be reminded of the importance of the Save Our Coasts program. In the event that a coastal barrier location is being considered for an industry, our representatives will inform the prospect of the Save Our Coasts program and offer to assist the prospect in formulating development plans consistent with Save Our Coasts.

OFFICE OF THE GOVERNOR

The Capitol, Tallahassee, Florida 32301
Telephone: 904/488-1234

MEMORANDUM

To: Policy Coordinators

From: Tom Herndon

Subject: Save Our Coasts

Date: November 23, 1981

By Executive Order 81-105 issued on September 4, 1981, Governor Graham directed that state funds and federal grants for coastal barrier projects be issued "only in those coastal areas which can accomodate growth, where there is a need and desire for economic development, or where potential danger to human life and property from natural hazards is minimal. Such funds shall not be used to subsidize growth or post disaster redevelopment in hazardous coastal barrier areas. Specific consideration shall be given to the impacts of proposed development or redevelopment with respect to hazard mitigation.

In order to implement the Save Our Coast strategies, including the Governor's Executive Order 81-105, it is hereby requested that all policy units:

- 1) Scrutinize, as part of each unit's on-going review of state agency budget requests and amendments, for any activities which affect development in coastal barrier areas.
- 2) Make a programmatic and project review, including A-95, E.I.S., and Public Works Projects, to determine whether the proposal has any impact on coastal barrier areas.
- 3) Request state agencies to cooperate in this review process and assure OPB that their requests are in compliance with the Governor's Executive Order 81-105.

JTH/jkc

Attachment

